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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deleted under exemption(s) b7d with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

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☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

62-5033-8 page 2

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
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Department of Justice,

Bureau of Investigation.
Oklahoma City, Okla.,

JUN 7 1923

62-5033

April
twenty-
third
1923

62-5033-1
MAY 1 1923 A.M.
HOOVER

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
DIRECTOR
1-1.

BILL SMITH and other Osage Indians, Murder of.

Dear Sir:

I beg to call your attention to the reports of Agent Wright dated April 5, 1923 and April 16, 1923 and the report of Agent Findlay dated April 16, 1923, and state that the Osage Indian Council, the guardians and attorneys for several of the wealthy Osage Indians, the city of Fairfax and perhaps others have offered large rewards for the apprehension and conviction of the guilty parties in this matter. This has resulted in Osage County being overrun with private detectives and others seeking to share in the rewards.

Agent Wright has just been given thirty days leave of absence, without pay, so that he cannot give this matter further attention for that period of time. On account of the fact that Agent Weiss is in court at some place nearly all the time, it is impossible to assign him to make this investigation, for the reason that if he were assigned, he would only be able to give it a day or two at a time, on account of his being in court at various places. At the present time there are only two field agents in this District during the leave of absence of Agent Wright. It will taken all their time to keep up other work, and we will perhaps run behind before Agent Wright returns.

I believe that it would necessitate the time of an Agent for thirty days or more continuous effort at Fairfax and vicinity to really do much good toward unravelling this murder.

I would therefore request that a Special Agent with considerable experience be assigned, especially to this investigation. I will also state that an Agent who is assigned to this investigation should be an Agent with a great deal of experience in

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handling desperate situations, as there is no question but
what Osage County, Oklahoma has more criminals in it, than
perhaps any other county in the state or any state in the
Union.

Very truly yours,

James G. Findlay
James G. Findlay,
Special Agent in Charge.

F-B

REH/IMR



May 15, 1923.

MEMORANDUM FOR MR. BURNS.

I am attaching hereto a communication from the Oklahoma City office relative to an investigation of one Bill Smith and other Osage Indians. You will note that the Agent in Charge requests the services of an Agent outside of that district in view of the shortage of his own office and it is suggested, therefore, that Special Agent Wilcox of the Detroit office be detailed for this assignment.

If this meets with your approval and you will indicate the same, I will be very glad to draft the necessary instructions.

Very truly yours,

J. E. D.

JUN 7 1923

62-5033-9

BUREAU OF INVESTIGATION	
MAY 29 1923 P.M.	
RECORDED	FILE
DIRECTOR	

W. H. C.

*Read by me
May 29, 1923
Wm. H. C.
5/29/23*

WFO-AS

May 14, 1933

COPIES

Flack

Federal Building

Oklahoma City Okla.

Advise me promptly any further developments in
Osage Indian case arrangements being made for
assignment specially qualified agent stop

WFO:MS

62-5033

*Osage Indians
Museum*

62-5033-10

MAY 26 1933	
DEPT. OF JUSTICE	
	FILE

WTC-AS

May 26, 1928,

CODE

Kessler

Owen Building

Detroit Mich

Instruct Agent Wilcox report nine o'clock Saturday
morning La Salle Hotel Chicago for conference Attorney
General Short of Oklahoma and await instructions from
him which will be also confirmed by telegraphic instruct-
ions through our Chicago office with which Wilcox is to
keep in touch stop Nothing must interfere with this
appointment stop two

BURNS

5033

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*Chicago Indiana
Murdere*

RECORDED

62-5033-11	
BUREAU OF INVESTIGATION	
MAY 26 1928 A.M.	
	FILE

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Department of Justice.

TELEGRAM RECEIVED.

Oklahoma City, Okla., May 25 1923.

Burns,

Washington.

Two stop No new developments Osage Indian case either State or Federal.

Findlay.

Recd. 7:10 P. M.
Decoded LGS.



MAY 25 1923

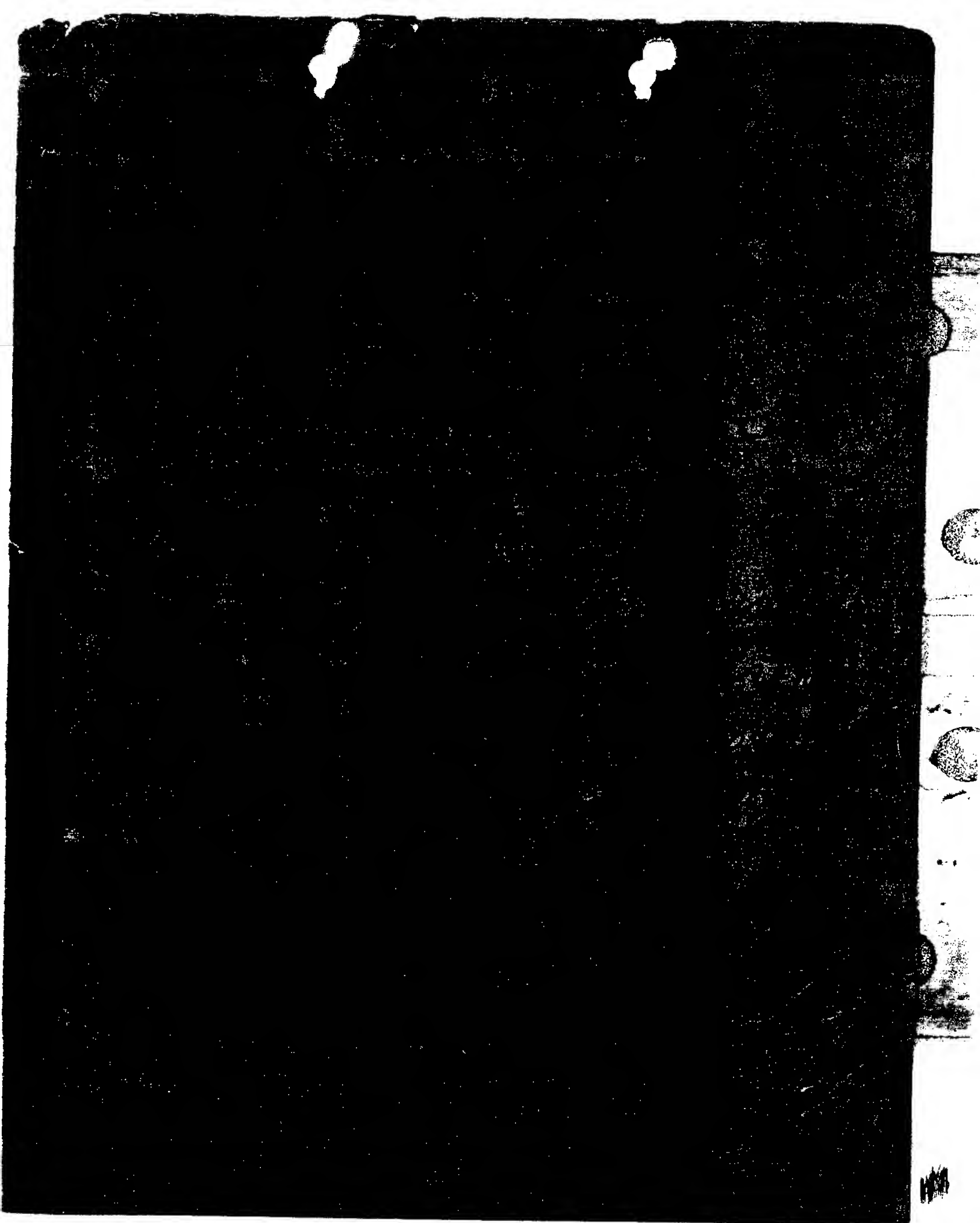
MAY 28 1923

62-5033-12

BUREAU OF INVESTIGATION	
MAY 28 1923 A.M.	
DEPARTMENT OF JUSTICE	
HOOVER	FILE

RECORDED

*Osage Indians
Murders*



J. BURNS
DIRECTOR



WVG
62-5033

Department of Justice
Bureau of Investigation
Washington, D. C.

Attended

May 25, 1923.

MEMORANDUM FOR THE DIRECTOR

62-5033

There is a serious situation on the Osage Indian Reservation in Oklahoma. These Indians you will remember as State wards of the Government and the wealthiest persons per capita for their class in the country. On account of their oil rights they for some time past have been made the victims of murders and other outrages and are now especially being worked upon by all sorts of elements endeavoring to procure appointment as guardians, only to either murder them or procure their income in other ways.

This matter was brought to our attention by the Indian Office a short time ago and referred to our Oklahoma office for investigation. Up to date the investigation has been handled by Agent Frank V. Wright, but the progress made has not been entirely satisfactory for a case of this magnitude. The Agent in Charge at Oklahoma City explains the necessity for a specially qualified agent; also states that Mr. Wright had to go on thirty days leave of absence without pay, which has delayed the investigation, and that Agent Weiss is in court.

MAY 31 1923

62-5033-166

BUREAU OF INVESTIGATION	
MAY 29 1923 P. M.	
SEARCHED	INDEXED
SERIALIZED	FILED

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[Handwritten signature]

Mr. Burns

- 2 -

5/25/23

In looking over the field it was thought that Agent Wilcox of Detroit would be the best man and telegraphic instructions have been issued for him to confer with the Attorney General of Oklahoma who will be in Chicago tomorrow, Saturday. This is in accordance with the personal instructions of Mr. Crim. Attorney General Short will wire the result of his conference, so that definite instructions may be issued.

Respectfully,

J. E. Hoover

Department of Justice

TELEGRAM RECEIVED

Detroit, Mich.

May 31, 1923

BURNS

Washington



MAY 31 1923

Two Agent Wilson is under subpoena for trial in Detroit court of June 5th. Will be available.

Respectfully

TO: TO 4.11

Recd TO 4.11

Recd TO 4.11

TO DIRECTOR

12

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 31 1923	
FBI - DETROIT	

WGC-JW

~~52-5033~~

May 26, 1923.

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

I am enclosing copy of a report received from
our Oklahoma office, together with a carbon copy of a
letter I am today addressing to the Agent in Charge there,
with regard to the Indian Guardianship matter, which I
understand is in accordance with your desires.

I will keep you informed as to developments.

Very truly yours,


Director.

Enc. 12291

62-5033

62-5033-16

MAILED

MAY 26 1923

52

ATTENTION - MR. P. L. ERVING.

THIS CASE ORIGINATED AT Oklahoma City Office; JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY.

REPORT MADE AT Oklahoma City	DATE WHEN MADE: May 31, 23	PERIOD FOR WHICH MADE: May 28, 1923	REPORT MADE BY: Frank V. Wright.
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TITLE AND CHARACTER OF CASE: BILL SMITH, et al. Osage County, Oklahoma	: Conspiracy; Murder of Osage Indians.
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FACTS DEVELOPED:
At Tulsa, Okla. 62-5033 (O. C. #7060)

Reference is made to file in the above titled case.

Agent had occasion to confer with MR. JOHN MORAN, of the Moran Detective Agency, on other matters today, and incidentally mentioned conditions prevalent in Osage County, knowing that MR. MORAN had been employed or had worked on the ANNA BROWN murder case in 1921. MR. MORAN discussed the case freely and finally volunteered to loan his file to Agent for such information as Agent might be able to obtain therefrom.

In view of the fact that the murder of ANNA BROWN, in 1921, was about the first of a series of subsequent murders, wherein the same motive that prompted the murder of ANNA BROWN is evident in those that followed and which were finally climaxed by the nitroglycerine blow up at Fairfax, Agent accepted the offer of MR. MORAN.

MR. MORAN stated that in view of the fact that private counsel for the prosecution, as well as himself, were of the opinion that justice could not be had in the lower court, none of the evidence in their possession at that time was presented at the preliminary hearing.

and that BRYAN and JERNEST BARKHART (nephews of BILL SMITH) were

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-17	RECORDED JUL 2 - 1923
BUREAU OF INVESTIGATION JUN 4 1923 A.M. DEPARTMENT OF JUSTICE	GENERAL INVESTIGATIVE JUN 8 1923
ROUTED TO: HOOVER	FILE

COPIES OF THIS REPORT FURNISHED TO:
3 & Washington; & 3 file. 53

Frank V. Wright.

May 28, 1923.

acquitted at said hearing. MR. MORAN stated further that, in his opinion, the power behind the BARKHART brothers in the lower court extended even to the District Court, for the reason that no attempt has ever yet been made to further prosecute the BARKHART defendants.

(Note: Agent gathers that MR. MORAN was in the employ of the GUSTAFSON Detective Agency in 1921. The GUSTAFSON agency is at the present time employed in Osage County. Agent was advised at Fairfax, Okla. a short time ago, by Attorney JOHNSON, who represents interested Osage Indians, that "private detectives are now and have been for a long time drawing \$30.00 per day for investigating these murder cases.")

The following summary of evidence appears in the MORAN file, same being the essence of voluminous reports made by private detectives MORAN, GUSTAFSON, R. H. ROBERTS, CLAUDE SANDERS and W. E. BRACKETT and covering a period of about three months:

Finding of the body.

L. Ellsworth, Andy Smith & Oma Smith, while out hunting for squirrels on Three Mile Creek, which is about three miles east of Fairfax, in the forenoon of May 27, 1921 found the body in the bottom of the rocky creek. Andy Smith first found the body and called the others. They were unable to identify the body and went to Fairfax and reported the matter and Scott Mathis went to the place and could not identify the body. Mathis reported the finding of the body to the Grayhorse Indians and the body was identified by Bill Smith and his wife who was brother-in-law and sister to Anna Brown identified body.

Tracing back to last time Anna Brown was seen alive.

On the morning of May 22, 1921 about 3 A. M. Mrs. George James a white woman who lives about two blocks from Anna Brown heard two people quarreling on the main road between Fairfax and Rallston just south of Mrs. James house, and heard the man say "get into this car Anna" and then shortly after the car drove up in front of Anna Brown's home and stopped and turned out the lights on the car and two people a man and a woman went into the Anna Brown house. Mrs. James identifies the woman as Anna Brown and the man is described by her as being tall, and slim, wearing a light shirt, trousers without a coat and a white cowboy hat, and further that she knows Bryan Burkhart and from what she was of the man she would say it was Bryan Burkhart. Mrs. James made this statement

54

Frank V. Wright.

May 28, 1923.

Before anyone mentioned Burkhart. Mrs. James went to bed again and did not hear the car leave the Anna Brown place or any other noise during the night. Mrs. James is positive of the date, and also that it was a Buick car and not a Ford.

At 11 o'clock night of May 21st, 1921.

Joe McGuire, T. B. Jones & Fred Wheeler were sitting outside of the Jones Hotel, in Ralston, Okla., about between 8 & 9 P. M. in the evening of May 21, 1921 and saw a Buick touring car drive up. The woman spoke to the men and called Joe by name and "Hello Joe" and asked where she could get something to eat. McGuire recognized the woman as being Anna Brown and called her name. Mr. Guire directed her to a restaurant and the car drove off. McGuire described the man as being a tall slim young man wearing no coat, light shirt and a white hat. Mr. Jones did not recognize the man and woman in the car at first but when McGuire called her name asked McGuire if that was Anna Brown and McGuire said it was. Jones then asked if that was Oda Brown in the car with her and McGuire said no. Jones who knew Anna well then got up and said that he would go down and talk to her but before he got there the man came out of the restaurant and got in the car and they drove off, going west.

Wheeler recognized Anna Brown and said the description as given by McGuire was good but described the features of Bryan Burkhart but at first did not mention the name; latter when talking he said that he was well acquainted the Burkharts and knew that it was Bryan Burkhart. Wheeler and Jones and McGuire are certain that it was a Buick car.

Wheeler was positive of the date. McGuire said that it was Friday or Saturday night, but to satisfy himself he said it was the night that a certain picture was being shown at the theatre and that he went to the show after the car went past and the date of the show was on Saturday night, May 21, 1921. Jones is not positive as to date, but states it was about a week before Oda Brown stayed all night at the hotel and he was there on the night of May 27, 1921.

Saturday at Grayhorse:

Saturday morning Anna Brown got Bob Carter a taxi driver at Fairfax to drive her over to Grayhorse to spend the day with her mother who lived with her sister Mrs. Earnest Burkhart; Anna Brown spent the entire day there. Bob Carter returned to Fairfax and was to come and get Anna and take her home at 5 o'clock in the afternoon.

Martha Upright, a young white girl was employed at the Burkhart home as cook and housekeeper and states that on this date she saw Anna Brown around there and Anna was drinking; that Anna did not come in to eat dinner at noon but did come in latter and lunch and that was about the place all afternoon and about 6:30 Anna came in the kitchen and asked Martha to go to the store which was about a quarter of a mile away and call a taxi for her. Martha told Anna that she was busy getting supper and could not go. Anna went on out in the other part of the house and latter Mrs. Burkhart came in and asked Martha where she had placed the clean clothes as she wanted to get a clean apron for

1. Frank V. Wright.

May 28, 1923.

Anna to wear home and Martha told her where the clothes were. It was about 5 o'clock or latter when Mrs. Burkhart asked about the clothes. Martha said that there were none of the men folks on the place during the afternoon but that came just before supper and Bryan Burkhart came into the kitchen and asked Martha to go to a dance with him and she agreed and told him that she was going with her sister-in-law a Mr. Benny. Bryan said that if she would go with him that maybe Earnest would let him take his car but that he had told him once that he could not have it. Earnest Burkhart had a Buick touring car. Martha says that the men folks there consisted of Earnest Burkhart, Bryan Burkhart and Duke Burkhart. Martha says that there was a woman visiting there who was supposed to be the aunt of the Burkharts but there was no man. This Aunt had a Ford touring car. Martha left the Burkhart place about 8:30 or 9 PM saying that it was dark. She did not return to work at the Burkharts.

If this case is specially assigned by the Director, which, in the humble opinion of this Agent is essential to best results, for the reason that old Oklahoma Agents are too well known in the Osage country to cover their efforts for any great length of time, the Agent assigned will probably not be far off if he spots "BILL" HALE for the master mind, the BURKHART brothers for accomplices and the fellow MORRISON, mentioned in my previous reports, as the man who arranged for carrying out the details and actually took part in blowing up the BILL SMITH home at Fairfax.

OPEN.

WVG-AS
62-5033



June 11, 1923.

MEMORANDUM FOR THE FILES.

Special Agent Wilcox of the
Detroit office was assigned to this
case sometime ago; came to Washington
and was instructed personally by the
Director to proceed with the investi-
gation immediately following his answer
to a subpoena in Detroit.

JUL 2 - 1923

62-5033-17

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Department of Justice

TELEGRAM RECEIVED

URGENT 5-29-62
TO DIRECTOR
FROM SAC, NEW YORK
RE NEW YORK TELETYPE TO BUREAU MAY 28, 1962
ADVISE BUREAU THAT NEW YORK OFFICE IS REQUESTING
INSTRUCTIONS FROM BUREAU AS TO HOW TO PROCEED
WITH MATTER INVOLVED IN NEW YORK TELETYPE TO BUREAU
MAY 28, 1962.

File 62-5033-136

END P. 1

MAILED 1:30 PM

RECORDED 1:30 PM
INDEXED 1:30 PM

62-5033-136
MAY 31 1962
U.S. DEPT. OF JUSTICE

62-5033-18

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May 28, 1923.

Receiv
Federal Building
Chicago, Ill.

Instruct Agent Wilcox proceed here in accordance with
arrangement he having prepared to proceed upon case on which at
present assigned step two

BURNS



62-5033

DD
Osage Indians
Murders

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G.H.T

WWG*AS
62-5033

June 11, 1923.

MEMORANDUM FOR MR. GRIM.

I am enclosing herewith, for
your information, carbon copy of a
report received from our Oklahoma City
office, dated May 31st, with regard
to the case of BILL SMITH, et al,
Conspiracy; Murder of Osage Indians.

Very truly yours,

M. J. B.

Director.

Encl.

*Osage Indians
Murders*

62-5033

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JUN 11 1923

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JUN 12 1923

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WWG-AS
62-5033

June 11, 1923.

Honorable Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

My dear Sir:

I am enclosing herewith, for your
information, carbon copy of a report received
from our Oklahoma City office, dated May 31st,
with regard to the case of BILL SMITH, et al,
Conspiracy: Murder of Osage Indians.

Very truly yours,

[Signature]
Director.

Encl. 5610.

*Osage Indians,
Murders*

62 5033

62-5033-20

MAILED
JUN 11 1923

WFG-177
62-5468

June 25, 1923.

Mr. J. G. Findlay,
P. O. Box 125,
Oklahoma City, Okla.

Dear Sir:

Please refer to the matter of Osage Indian Guardianship,
and advise me what, if any, progress is being made, as Assistant
Attorney General Grim is particularly interested.

Very truly yours,

M. J. B.
Director.

*Osage Indians,
Murders*

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ORDER

62-5033-21

MAILED
JUN 27 1923

62

WWG-AS

July 10, 1923.

C O D E

Findlay

Federal Building

Oklahoma City Okla.

2-5033

Agent Wilcox delayed account court cases am substituting
Weakley from Cincinnati wired today to proceed report to
you on Osage Indian case stop Have him communicate with
Attorney General of State in addition to examination evidence
already procured stop Am anxious this matter be expedited
in view of delay as Indian office and Assistant Attorney
General Crim interested stop two

BURNS

62-5033-22

15h

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3 J. L. BURNS
4 DIRECTOR
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Department of Justice
Bureau of Investigation
Washington, D. C.

62-5033

July 7, 1923.

MEMORANDUM FOR MR. HOOVER

*Craig Indian Case
Oklahoma*

Do you know whether it is the intention of the

Director to hold this investigation in abeyance pending
the release of Agent Wilcox from his duties at Detroit?

If you will remember, this is the case in which Mr. Crim
was particularly interested and in fact anxious about
because of the delay.

From Wilcox's letter attached he will not be
available for some time, as in addition to the case set for
July 18th before the Grand Jury he must also appear later
in other cases, and I very much fear the results on the
Oklahoma case.

*See letter to
Director 5/10/23*

[Signature]

file

*I do not know. I would take
it up with the Director as soon
as you can.*



JUL 7 1923

JUL 17 1923
62-5033-24
BUREAU OF INVESTIGATION
JUL 14 1923
RECORDED
64

2 ATTENTION - MR. HOOVER - 2.

3 THIS CASE ORIGINATED AT Okla. City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT Oklahoma City	DATE WHEN MADE: July 12, 23	PERIOD FOR WHICH MADE: July 10, 1923	REPORT MADE BY: James G. Findlay.
TITLE AND CHARACTER OF CASE: BILL SMITH and OTHER : State Court, : Conspiracy, Result- OSAGE INDIANS, Murder of : Pawhuska, Okla. : ing Murder of : : Osage Indians.			
DEVELOPED AT: Oklahoma City, Okla. 62-5033 (O. C. 47060.)			
Continuing investigation, entitled as above, Agent received from JOHN J. MORAN, private detective, Tulsa, Okla., who was employed to make an investigation of the mysterious murder of ANNA BROWN, an Osage Indian, a copy of a report made by his operatives No. 10, No. 22 and No. 46.			
While this is not directly a part of the BILL SMITH case, as the murder of ANNA BROWN occurred in 1921, yet it is generally be- lieved that the same parties who were instrumental in having ANNA BROWN disposed of are the same parties who had BILL SMITH and his family disposed of. I believe there is also some relationship exist- ing between BILL SMITH and ANNA BROWN.			
The reports received from JOHN J. MORAN are as follows:			
OPERATIVE NUMBER TEN'S REPORT:			
"Case #5 7 5. Pawhuska, June 21st, 1921.			
Leaving Pawhuska about 9 A. M. this morning I drove to Fairfax, where I met Mr. S. S. Mathis the appointed administrator for the estate of Anna Brown.			
Mr. Mathis has been active in the in- vestigation of the death of Anna Brown. He is a juror on the coroner's jury of the inquest and the jury had not been dismissed as yet but held for			
REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington; 3 file. 65		

FILE NO.

BUREAU OF INVESTIGATION

JUL 16 1923

DEPARTMENT OF JUSTICE

ROUTED TO:
HOOVER

GENERAL INVESTIGATIVE
DIVISION

JUL 16 1923

-1-

July 10, 1923.

the purpose of examining other witnesses and making further inquiry into the case.

Mr. Mathis and myself drove out to the place where the body was found, which was about 3 miles east of Fairfax and about 300 yards south of the main road from Fairfax to Pawhuska and near a trail road that is used as a cutoff road from this main road to Grayhorse or Ralston. The cutoff road passed around the head of a rocky small creek and the body was about 200 yards down the hollow from where the road crosses. The body was laying just in the edge of a pool of water and the examination showed that the shot that killed the woman had entered just back of the crown of the head and ranged downward into the body and the bullet was not removed, although the autopsy was made and the head opened and showed the range of the bullet but owing to the condition of the body which had evidently laid there about five days it was not possible to make a further examination.

We also drove out in the part of town where Anna Brown lived and went over the roads, which have been mentioned in the information offered.

Mrs. James who lives about two blocks south of the house where Anna Brown lived heard some people in an automobile talking very loud and quarreling in the road south of her house. This is the main road from Ralston to Fairfax and Grayhorse and about 150 yards from Mrs. James home. Mrs. James stated that she heard a man talking and say "Come on and behave yourself Anna, come on and get in this car". This was about 2 A. M. Saturday night or rather Sunday morning. The people then got in the car and drove west a block, then turned north three blocks and east a block and turned south in front of Anna Brown's house; they got out of the car turned off the light and went into the house. The porch light at the Brown house was burning and Mrs. James saw a man and a woman go into the house but could not hear any further talk. Mrs. James did not hear any other disturbance during the night. Saturday was April 21.

Further information was that on the night of June 21st about 8:30 that someone called Anna Brown by long distance telephone from Ralston and the records at Fairfax show that Anna Brown talked to the party. The records show that the call was placed at Phone No 41 Ralston. Investigation of the records at Ralston fail to show any such call and no records there show that the call came through that office. Inquiry at the phone 41 at Ralston do not have a record of such call as the proprietor at that place keeps a record of everything and stated to Mr. Mathis that he was there at the place and that no one used the phone and that no one can place a long distance call from phone but himself as the operator at the telephone has orders not to accept any long distance call unless it is O. K. by him.

Thinking that the call might have come from Pawnee, or Ponca the records were looked up at these places and nothing there showed that such call had been placed.

66

James G. Findlay.

July 10, 1923.

-3-

This call seems a mystery and as yet not explained. I am inclined to believe that the call came from the Ralston office and that it was placed at the public toll office and the number 41 used as a blind and that the call was paid there at the office and then the operator was paid to destroy the ticket and in this manner try to prevent the tracing of the call.

General suspicion points towards the divorced husband of Anna Brown, Oda Brown, who has been staying at Ponca and around Ralston and Pawnee.

Further information from a sister of Anna Brown is that a brother to a man who married another sister of Anna Brown by the name of Burkhart has been sore at Anna Brown because of some talk as to the "turning in" of another bootlegger there at Grayhorse.

It seems that this bootlegger was arrested and Anna Brown was mixed in the case as a witness or as a "gossiper" and Anna told that young Burkhart was the person that gave the information that caused the arrest. Anna had rather made light of both Burkhart and this other man and they were very indignant and had talked about Anna but so far as known they had made no threats towards her.

On Saturday Anna had gone over to Fairfax and spent the day with her mother and returned about 6:30 in the evening; this man Burkhart had brought Anna home from Fairfax.

Mr. Mathis says that on Friday night Anna had been bought home from Pawhuska by a taxi driver and he had talked to him; but that so far as he has been able to learn Anna was not in Pawhuska on Saturday night.

From inquiry I learn that Oda Brown the divorced husband of Anna Brown is absolutely no good and capable of doing almost any thing for money. He heard of the finding of the body while he was at Pawnee and came over to Fairfax and had a lawyer there and kept in touch with every thing that was done and remained there until after the funeral and assisted in the lowering the metallic vault into the ground. He broke down and went off and sit down and cried after the burial and seemed to be much broken up about the death.

This may have been real grief or as mentioned may have been for effect.

I returned to Pawhuska this evening and got in touch with the police of fibers as to the time that they saw Anna Brown drunk on the street and told her she had better go home.

James McGuire and Andy Cothran were in front of the shooting gallery on Saturday evening and saw Anna Brown there at the gallery and watched because they thought that she was drunkenough to put in jail. Cothran walked up back of Anna while she was holding one of the gallery and stopped and the man who conducts the place told her she had be careful as the law was there; she looked around and laughed went over to an auto and Cothran sat down in the car and she ca

James G. Windlay.

July 10, 1923.

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them and complained about some man worrying her and wanting them to make him leave her alone and they jollied her some. A few minutes later while she was standing there a taxi drove up and stopped and Anna went and got in the front seat. There were three men in the car, Red Bird, Ed Burgess, Harvey Mark Switzer and a man known as Preacher and whom they afterwards learned was named Stout. Red Bird was driving. These men were at the time as between 9:30 and 11 P. M. Saturday night, May 21st.

Discontinued on case 11 P. M."

"Pawhuska, July 3, 1921.

Mr. Gustafson and myself left Pawhuska this morning for Fairfax, and on arrival there we got in touch with Mr. Matthias, the client in the above case. Mr. Matthias has been in close touch with Operators #46 and 28, and knows what has been found in the matter.

After a discussion it was decided that an effort be made to get a Rose Osage, Jim Allen and the girl who had given the statement together, and use a diatograph to learn what they say, which we will do the coming week. On our return to Pawhuska we went over the ground carefully where the body was found. While in Fairfax there was a telephone call to Sam Tolk Indian Agent that was in regard to some information as to the telephone call at Ralston on the night of May 21st, supposed to have been to Anna Brown, and this information comes from the Manager of the telephone office.

The Manager returned to Tulsa at four P. M."

#28 reports:

"Pawhuska, Okla., June 28, 1921.

Following instructions of the Manager I left Tulsa at about ten o'clock and arrived in Pawhuska about twelve thirty, and went and talk with Attorney Comstock. I decided it would be best to spend the day in Pawhuska getting the facts in this case. I went to see George Parris, a tailor who has been here four years. I inquired as to Red Burgess, and he told me that he knew him and that he was a gambler and bootlegger and all around crook. He also said that Mark Switcher was also crooked. After learning about these two men I started in to get evidence as to their whereabouts. I found that about ten days ago that Bryant Westerman, who was a pal of the above two men received a letter that was forwarded to Westerman at Ardmore as he was supposed to go there.

I will also try and find what I can in regard to Anna Brown getting in the car of Switcher the night she was killed. I discontinued about ten P. M."

"Fairfax, Okla., June 29, 1921.

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I spent the day in Pawhuska and talked with various people. I talked with the County Attorney and the Sheriff, also to Mr. Johnson the attorney for the administrator, and they seem to think that we should find the parties mentioned in my report, Burgess, Switcher, as the two officers claim that she got in their car the night she was killed. I have information that these two men are in or near Breckenridge, Texas and I got possession today of a letter to Ed Burgess, Pawhuska, which seems to be from his sister and which was mailed at Gainesville, Texas.

I came to Fairfax with Mr. Johnson and connected with Mr. S. S. M., and he seems to think that we should do a little work here, and then probably take up the Texas clue. We left Pawhuska about four thirty this evening. After what information I could get discontinued for the day.

"Fairfax, Okla., June 30, 1921.

I spent the day in Fairfax with Sam Tulk, Mr. Mathias and the Sheriff, all working on a clue that seems to be a lead on the case. An Indian girl from Caw, Okla. gave a sworn statement that sometime between the 2nd and 6th of June that Rose Osage told her that she had killed Anna Brown, and that Rose threw her clothes in the creek as they were covered with blood. She said that they shot her in the top of the head while she was in the car and then put her out. She also swore that she had talked with Jimmy Hix on the same day, and that he had told her that Rose killed Anna and threw her out of the car, and that Jimmy stated that they were in bad.

Mr. Matthias has the original affidavit. I discontinued about eleven o'clock."

"Fairfax, Okla., July 1, 1921.

I got up at six A. M. and had breakfast and went to see Sam Tulk and the client, and as there had been no new developments began to work on a man by the name of Lester Copeland, a tailor that had been talking a great deal as to what he knew but said that he was not going to tell anyone as he wanted the reward that was to be paid. The Sheriff and I decided that he did not know anything, but Mr. Smith a brother-in-law of the dead woman seemed to think that he did, as he had been telling that he had the evidence about complete. I got hold of Copeland and told him that if he knew anything he had better tell the Deputy Sheriff as he could not get the reward without going into court, and besides he might talk himself into jail making these statements; then Mr. Smith went to see him and after they had talked a while they sent for the Deputy Sheriff, and they sent for me, but after talking with him we found that he did not know anything of value in this case.

He seemed to have the same theory as many others that Rose Osage killed her because she was jealous of her, but I have not found any evidence to show they were together the night of the killing, however, we are going to follow out this theory. Discontinued about 10:30 p. m."

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"Fairfax, Okla., July 2, 1921.

This morning after a conference with the client and Mr. Mutchinson we decided to go to Pawhuska and do what we could, and then discontinue until after the 4th of July. We have decided to run the evidence about Rose Osage out by the use of a dictograph, which we will do next week.

at Pawhuska I talked with the sheriff and he is of the opinion that Gess and Switcher are guilty in this case and he is working out that theory. He does not put much confidence in the theory that Rose Osage did or knows of the killing.

We decided to return to Tulsa until after the 4th as it would be a waste of time to try this during the two holidays, so I returned to Tulsa and discontinued at seven o'clock after reporting to the office."

REPORT OF OPERATIVE NO. 46:

"Arkansas City, Kan., June 24, 1921.

I left Pawhuska today at 12:50 and arrived in Arkansas City at four p. m. and as I could not get to Fairfax until morning I discontinued for the day enroute."

"Fairfax, Okla., June 25, 1921.

Left Arkansas City at 8:30 A. M. and arrived in Fairfax at 10:30 A. M. There I got in communication with Mr. F. S. Mathias at his store. I was requested by the client to wait around while they were making an investigation into some telephone calls. This was the call from Ralston to Anna Brown in Fairfax, but did not want me to appear in the investigation as I am working "under cover".

I then put in the time about town mixing with the taxi drivers, prize fighters and rounders in general, and from anyone who expressed themselves they seemed to think that Rose Osage was in some way implicated in this murder. There was much talk that she was in with those people and that Rose was jealous of her and in a drunken row they killed her. I discontinued about ten P. M."

"Fairfax, Okla., June 26, 1921.

Today I spent the time about town mixing with the element referred to yesterday, but learned nothing further about the matter than reported. I discontinued about 9:30 P. M."

"Fairfax Ponca City, Okla., June 27, 1921.

This morning the client told me that the investigation into the telephone call had brought no results and I should proceed to locate Otis

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Brown, former husband of Anna Brown. I left Fairfax at one p. m. and arrive at Ponca City at eight p. m. It was pouring down rain and I made several inquiries as to the subject went to the telephone office and then discontinued."

"Perry, Okla., June 28, 1921.

I learned this morning that Otis Brown was either in Pawnee or Pawnee. I then called the father's residence, Mr. Lee Brown, and learned that the subject was in or near Pawnee, and consequently I left Perry on the first train which was at five o'clock and spent the night in Perry."

"Pawnee, Okla., June 29, 1921.

I left Perry at 8:15 and went to Pawnee, and found that Otis Brown was living with an Indian woman, who was a Pawnee Indian, and that they were staying with his sister and brother-in-law Ed Davis about four miles out of town. As I found that Ed Davis was already in town and that they were expecting Brown I decided to wait as I might miss them on the way out. Brown and the woman come into town about 4:15 and hired a livery rig and went to Ponca City, and I only had a chance for a few minutes talk with him but of course nothing about the murder. The officers at this place seem to think that Brown is married to this woman, but there is no record there of the marriage. There being nothing further I am returning to Tulsa tonight."

"Ponca City, June 30, 1921.

I left Tulsa today at 1:30 p. m. and arrived in Ponca City at five p. m. I met the subject and found he was getting ready to go to Pawnee. I did not get to talk to him very much as they were practically ready to start. I told him that I would see him in Pawnee the next day. I then put in the time in around town trying to find out anything I could in connection with the subject, and found that he was not in or about Ponca City from about May 5th or 6th until about the middle of June. Getting nothing further of importance I discontinued about ten p. m."

"Pawnee, Okla., July 1, 1921.

I arrived in Pawnee this morning about nine thirty, met the subject and had a long talk with him. I found that he left this part of the country about the 6th of May with another Indian woman that had been in bad and ordered to leave, and that he went away with her; he would not, however commit himself as to their exact location. He was not in this part of the country when the murder was committed, but from my observation I do not believe he was mixed in it, as he does seem at all concerned as to the outcome and is not at all nervous and suspicious acting.

The woman he goes with now is Lena Meeks, and she got arrested for gambling tonight and has to appear for trial tomorrow, and Brown at once left and went out to their country place. I stayed about town until

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ten thirty and discontinued."

"Today I spent around town waiting for the subject to come into town but he did not come, and so I called the client and he instructed me to dis-continued which I did and arrived in Tulsa at 6 A. M. on the morning of the 3rd and discontinued."

"State of Oklahoma,
County of Osage, ss."

Sara Conn, being first duly sworn, on her oath states: I am Sara Conn, I live one mile north of Kaw City, Oklahoma and am a full blood Kaw Indian.

I was in Fairfax, Okla. from June 2 to June 6, 1921 and saw Ex Rose Osage on various occasions, and that on or about the 3rd of June I went to the Poly Hotel, Fairfax, to visit her. Mary Lasarage an Ota Indian was with me. Rose was in room A & B and took me into room 1 and in the course of conversation told me that she (Rose Osage) Anna Brown and Jimmy Hicks were out riding in an automobile. She said that she was jealous of Jimmy Hicks. She also said that I and Jimmy beat Anna Brown up and that I shot her in the back of the head. We threw her out of the car. I got blood on the car. After Rose Osage left Jimmy Hicks and I were talking in room A & B and he also told me that he and Rose whipped Anna Brown and that Rose shot her. Jimmy Hicks also said that he and Rose were out on the road and had a puncture. That a car came up and I stopped it, and if I had known that it was the law I would not have stopped it. The law ask who the woman was in the rear seat and whose shoes those were and Jimmy said that they were Rose's.

I have known Rose Osage for several years and we have never had any trouble with each other. Jimmy Hicks also told me that Rose was going to leave and he told her not to do it for it would make it worse on her.

(signed) Sara Conn

Subscribed and sworn to before me this 30th day of June, 1921."

Investigation continued.

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2 ATTENTION - MR. HOOVER - 2.

3
4
5 THIS CASE ORIGINATED AT

Okla. City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

6 REPORT MADE AT

7 Oklahoma City

8 DATE WHEN MADE:

July 13, 23

9 PERIOD FOR WHICH MADE:

July 13, 23

10 REPORT MADE BY:

James G. Findlay.

11 TITLE AND CHARACTER OF CASE:

12 BILL SMITH and OTHER

13 OSAGE INDIANS, Murder of

State Court,

Pawhuska, Okla.

: Conspiracy, Sult-

: in Murder of

: Osage Indians.

14
15 At Oklahoma City, Okla.

62-5033

(O. C. #7050.3)

16
17 Continuing investigation, entitled as above, will state that CHAS.
18 WHITEHORN, an Osage Indian, allottee No. 841, was mysteriously killed
19 in Osage County and JOHN J. MORAN, private detective, Tulsa, Okla., was
20 employed to make an investigation endeavoring to fix the responsibility
21 for the death of WHITEHORN.

22
23 MR. MORAN has loaned this office a copy of the report of his oper-
24 atives in this matter, and Agent is making a copy of same herewith of
25 the reports which contain any material information.

26
27 This matter is not directly connected with the murder of BILL
28 SMITH, but I believe WHITEHORN is some relation to BILL SMITH'S
29 wife, and it is the general belief that the same parties who killed
30 BILL SMITH and his wife also killed ANNA brown, and also killed
31 CHARLES WHITEHORN.

32 The reports are as follows:

33 (Mr. Moran's Case No. 574.)

34 REPORT OF CO-OPERATIVE NO. 10.

35 Pawhuska, Okla., June 19, 1921.

36
37 Left Pawhuska at 8:30 A.M. on morn-
38 ing train and spent day at Tulsa con-
39 ferencing with Mrs. Gustafson relative
40 to the information in this case.

DO NOT WRITE IN THESE SPACES

FILE NO.

62-5033-25

BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO:

COPIES OF THIS REPORT FURNISHED TO:

3 Washington; 3 file.

-1-

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July 13, 1923.

-2-

Returned to Pawhuska 10 P. M."

"June 20, 1921.

In taking up investigation of this matter I met Officer Simpson at the police station and talked with him about information that he had received. He suggested that we call on Mr. Vaughn and we went together to Vaughn's office. Vaughn who is well acquainted with the Indians stated that his real interest in the case was to reach and have the guilty party prosecuted. Mr. Vaughn stated that a boy who was staying at his house on Friday or Saturday night of May 13th or 14th said two shots between 10 and 11 o'clock at night on the hill were heard close to where the body was found. Mr. Vaughn stated that he has talked to Minnie Savage about the case and the impression that I got was the Minnie Savage knew nothing relative to the killing of Charley Whitehorn and had expressed herself as anxious to assist in the arrest of the guilty party. Mr. Vaughn says that Minnie Savage came to him in the interest of the man Jess Bundy and stated to him that she did not believe Bundy was guilty of any connection with the case and asked Mr. Vaughn to try and get Bundy out of jail. Mr. Vaughn and myself then formed a plan of getting the release of Bundy and allowing Minnie Savage and the others who might be connected with Hattie Whitehorn and Minnie Savage in connection with this case to go to Oklahoma City where they seemed to all want to gather and allow an operative to keep in touch with all parties leaving Mr. Vaughn's office I called on Mr. Leahy who is assisting in the prosecution of the case and gave him a report of work to date. Mr. Leahy was leaving for Oklahoma City this A. M. and informed me that he could be reached at the Lee Huckins Hotel and that should the operative while working in Oklahoma City need any assistance that he could be found there. I then called on the County Attorney Templeton, and told him of our plan as to Bundy and the others and he thought the plan good and suggested that Minnie Savage sign Bundy's bond for his appearance which Minnie agreed to do. Bundy was released from jail about 2 P. M. Minnie Savage had informed me that she was going to Okla. City in an automobile with a friend who lives in Okla. City and was proprietor of the Haveland Hotel. About 3 o'clock she met her friend and they drove out of town for Okla. City. During the morning I had connected with our office in Tulsa and instructed operative #46 to come to Pawhuska on the 1st train and he arrived in Pawhuska 3:10 P. M. I gave operative #46 instructions to go to Okla. City on the night train and to locate and keep in touch with Minnie Savage and such persons as she meet while in Okla. City. Before Minnie Savage left Pawhuska in answer to a phone call from her I went to her house and she informed that her purpose in going to Okla. City was to locate the man Dewey Sutton and also to get such information as she could relative to Hattie Whitehorn and Hattie's brother. Minnie Savage said that Sunday she had gone out to the country where Sutton worked and talked to Mr. Osborne and that he had corroborated her dates as to the time Sutton was in Pawhuska and worked for him.

Information from police and also from Mr. Vaughn that at one time

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Charley Whitehorn was very much interested in the life of Herman Ernest. Ernest is a driller and his wife who is a questionable character was staying at the St. Clair Rooms. That Charley Whitehorn had gone at one time to meet this woman and had some trouble with a May Walker who conducted the place and that May Walker had forced Charley to leave the place at the point of a gun and at this time I am inclined to believe that the killing of Charley Whitehorn may have been brought on through his relationship with some woman and resentment of some member of the woman's family or sweetheart. I made inquiry among persons that were well acquainted with Charley and his actions and behavior were said to have gotten him mixed up with some woman and had had one or two quarrels in connection with these cases. Police officers say that Whitehorn was better than the average Indian as to morals but that when he had money he was very apt to be away from home for 1 or 2 days with either women or getting drunk.

Indian Service Officer Henry Majors informed me that for 3 or 4 nights about the time of this killing 3 women and a man were seen on the hill near where the body of Charley Whitehorn was found. They were drinking and later they built a little fire near the road and that the best description of them that he could give was that 2 of the women were tall and slender and rather dark complected and that the other woman was short and heavy set, the man being of medium size. He states he was not close enough to positively identify them. Major thought at the time that they might be peddling whiskey to the Indians but after watching them 2 or 3 nights and finding nothing to convince him that liquor was sold or that any Indians were getting drunk and he did not look after them further and does not know how long then they remained there.

Discontinued this 11 A. M."

"Pawhuska, Okla., June 21, 1921.

I returned from Fairfax about 3:30 P. M. where I had been in connection with another matter and while there saw Sheriff Friece. I had some information relative to the brother and cousin of Hattie Whitehorn which I thought might connect them with this case. Someone informed him that these men had been in Pawhuska on the date of May 13 and 14th and that they were hiding or staying concealed at Minnie Savage house. I connected with operative #46 at Okla. City and instructed him to learn such as he could and as to these parties. In the report I received from him he stated that Minnie Savage was not at the Cadalac Hotel with the party that she left there but that Bundy, the man who was released from jail, did not come. I instructed #46 to connect with #47 and learn if there was any report that he could give #47 at this time he was supposed to be stopping at the Cadalac Hotel with Hattie Whitehorn.

Nothing further in this case. Discontinued 9 P. M."

"June 22, 1921.

Continuing on the case I met John Lookout, a full blood Indian who gave

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ma some information relative to Charley Whitehorn on Friday night that he was supposed to have disappeared. Lookout says that he was told by a boy by the name of Means that Charley Whitehorn and Roy Makon were seen in a car on main street about 10 P. M. and that they were both drunk and Roy was taken out of the car and the car drove off with Charley in the car. This was a taxi but was unable to learn who the driver was. I began looking for Means and learned from his uncle that he was in Bartlesville but would return in a few days. Prior to this date Mr. Comstock had received some information that a teamster had reported that as he came into town late Friday evening May 13, that a man stepping him at the foot of Dial Hill and asked him if he knew Charley Whitehorn and asked if he had seen him. The teamster told him he had not. The man remarked that Charley Whitehorn was to meet him that evening. The man who furnished the information was unable to get in touch with the party who told him and we were not able to locate this teamster. About noon while at the police station I received a phone call from Amos Cotter, under sheriff, and he asked me to meet him at the foot of the steps on Ki-He-Kah Hill as he came from the court house. I had mentioned to him my suspicions as to Whitehorn meeting someone on the hill and he brought me some information that had come to their office. It was reported by a man who they could not remember his name that there was a teamster by the name of Johnston living on or near Dial Hill and that the teamster had a daughter who was employed in the telephone office. This party reporting as to Johnston did not tell why he thought of Johnston in connection with the killing of Whitehorn but said that his only reason Johnson should have an excuse to get sore at a person that he would not hesitate to kill. Cotter suggested that as Johnston's daughter was employed at the telephone office and that the most of the girls employed at the telephone office were sometimes questioned as to their actions and that there was possibility that Charley Whitehorn might have met the Johnston girl and that they had gone up on Dial Hill together and that Johnson suspected the girl was going wrong and he may have been watching them and followed them up the hill. In case such had happened it was probable that Johnson would have killed any man, under the circumstances. This party mentioning the matter says that he does not know the Johnson girl and that she may be above suspicion but reported that anything might be worked out as to the cause of Charley Whitehorn's death. I made inquiry as to the Johnson girl from the police officers but they knew nothing of such a person. A young man who was acquainted with a great many of the telephone girls told me that he thought he knew this girl and if it was the girls that we were looking for that it might be well to investigate further. She was not of the best of character however, I promised to locate this girl and find out if possible what kind of a girl she was. I received reports from investigations at Okla. City from #46 and he reports that Bundy arrived there today but did not stay at the Cadalas Hotel but left immediately and had not returned. That through a party who lives at Pawhuska he had learned that Minnie Savage had said she was looking for this man Sutton while at Okla. City and she talked about the Whitehorn matter. But there was nothing in her talk that would indicate that she had any interest except to locate the guilty party so that she

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might get the reward. I also received a telegram from #47 stating that he and Battie would leave Okla. City on their return to Pawhuska Friday morning. Instructed Operative #46 to return to Pawhuska and report to me.

Discontinued 10 P. M."

"Pawhuska, Okla., June 23, 1921.

Continuing on this case this date. I called at police station about 9 A. M. and talked to officer Simpson and Harris relative to the case. Simpson had been trying to get information relative to the man Johnston and the girl supposed to be employed at the telephone office but had gained nothing definite. I met John Lookout and talked to him about the information that he had given me before but he had nothing further to

#46 reported by phone today and stated that nothing new to report from his work and that the woman Minnie Savage was expecting to return to Pawhuska to-night or in the morning. Instructed him to return on tomorrow's train if nothing of value developed. Called at Sheriff's office and County Attorney's office but nothing of any value had been learned there. Sheriff's office and also the County attorney's have been very active and are willing to co-operate with us in the investigation. Owing to a continuous heavy rain all day I was not able to connect with persons relative to the matter.

Late in the evening I learned from Mr. Comstock that Minnie Savage had returned from Oklahoma City.

Discontinued at 9 P. M."

"June 24.

Still raining this morning and prospects of seeing and interviewing anyone about the case were bad, and went to Sheriff's office and then to Mr. Comstock's and very little was learned. In the evening called on Mr. Johnston, the undertaker who prepared the body of Whitehorn for burial and gave us such information as he had. Mr. Johnston was called to take charge of the remains and suggested that an examination be made of the body to ascertain the cause of death and at Mrs. Whitehorn's instructions he got doctors Williams and Walker who made the examination. Mr. John himself removed two bullets from within the skull. He stated that the two bullets had entered the forehead just at the inner points of each eye brow. These bullets were badly battered but judging from the size and heft they were probably fired from a 32 calibre gun. Mr. Johnson further stated that in his opinion this man was killed where he was found as the position of the body indicated that he had fallen in that position and had not been carried there. I instructed Mr. Johnston to hold the bullets in his keeping subject to instructions from the County Attorneys office as they would probably be wanted for evidence and we did not want to lose the identity of the bullet.

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Mr. Comstock accompanied me to the undertakers parlors to see Mr. Johnston. Cooperative #46 arrived in Pawhuska noon today and made his report. These reports contain nothing that would indicate that Minnie Savage had anything to do with the killing and that her reason for being in Okla. City was to locate man Sutton. I met Mrs. Savage at Mr. Comstock's office and had a long talk with her. She told me that she had searched Okla. City thoroughly for Sutton and made inquiry at the jails both city and county and had looked through them but had not been able to locate Sutton and Mrs. Savage expressed herself most thoroughly convinced that Sutton was the cause of Whitehorn's death. Talked to Mr. Vaughn relative to the information on the man Johnston but he had been unable to learn anything about him.

Discontinued at 10 P. M."

"Muskogee, Okla., June 27, 1921.

Left Tulsa this afternoon for Muskogee to make an investigation as to the man Dewey Sutton.

Inquiry at the police station and other places gave me no definite information except that such a man had been heard of around Muskogee. Gave the officers there what information I had that might be of interest to them. I spent the evening around town and on the streets and in the pool halls trying to locate him but could not. I discontinued about 11 P. M."

"Muskogee, Okla., June 28, 1921.

Today I continued the inquiry as to Dewey Sutton. I also investigated. I also investigated the name of Cecil Halley but could not find him or any one that had seen a party by that name. I further investigated the Post Office, but the records do not show that anyone there has received any mail by that name. There was a Basil Haley had been employed by Mr. Hamilton in a grocery store at the corner of Cherokee Street south from the Katy depot about a year ago, but the place has changed hands, and I was unable to get in touch with Mr. Hamilton, who is to be sworn in as County Treasurer on July 1st and was busy in that matter.

Later in the day I learned from a taxi driver by the name of W. F. Kramer, alias KANSAS that ~~Dewey~~ Dewey Sutton had been around Muskogee just a short time ago, and that he had been in and out of there often on for a long time. Kansas described Sutton just as I have the description of him and said that he had a blonde woman with him but did not know where he stayed in Muskogee. Kramer lives at #417 E. Broadway. Police Captain Homer Spaulding told me that there were several Suttons living at Boynton and that he believed that this was one of them. That he would make inquiry and get as much information as he could about them and let me know. I then discontinued."

"Okmulgee, Okla. June 30, 1921.

July 13, 1923.

While making inquiry as to Dewey Sutton in connection with this case, I learned that there are some Suttons living about five miles out north and east of Morris, and that they have a number of relatives in and about Oklahoma.

This man, a Mr. Carter, formerly an officer, and a well to oil man in Okmulgee, told me that he was well acquainted with these Suttons, and was of the opinion that Dewey Sutton was one of the family. ~~But~~ Mr. Carter offered to take his car and we would drive out and interview these people, but when we got there they did not know Dewey Sutton, but told us that there was some Suttons living at Runkin Center and Boynton. These people spoke very lightly of the other Suttons and intimated that they were not people of a very good character, and that they would be guilty of most any crooked work. It was too late to go to these places and we returned to Okmulgee.

Mr. Carter said that he would continue this investigation and report to me when I am in Okmulgee within the next week."

"Pawhuska, July 2, 1921.

Leaving Tulsa via Midland Valley I arrived in Pawhuska about noon today. I learned from Mr. Comstock's stenographer that he was in Oklahoma City and would not return until sometime Sunday.

After conference with the manager in Tulsa we decided it would be well to investigate Earl Fowler who found the body of Charley Whitehorn. It is reported that he found this body by accident while walking over the hill known as Dial Hill. It seems that Fowler is a bootlegger and lives in Pawhuska or is there a great part of the time. I talked with the man who does the pumping of the oil well on the hill and he told me that Fowler had come up there to see him, and had walked over to the brush where the body was found by accident and without any apparent reason for doing so. The location of the body was about 150 to 200 yards from the oil well and there was several storage tanks between the well and the place where the body lays. The general lay of the land is such as to create a suspicion as to how it happened that Fowler found the body, and a possibility that he may know something about the killing.

During the evening I worked about town and learned that Minnie Savage had been to Okla. City during the week but did not learn the reason for her going. I discontinued about ten P. M."

"July 3, 1921.

I was away from Pawhuska this forenoon, but in the afternoon Mr. Gasfison and myself talked with several persons whom we thought might have some information of value. We did not learn anything of any value and he returned to Tulsa at four P. M. and I remained in Pawhuska.

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I met Mr. Comstock in the evening and went over the case with him and he seemed satisfied with our efforts in the matter. I spent the evening about town and will return to Tulsa in the morning as I have to be in court in Okmulgee on the 5th inst. I discontinued about 11:30 P. M.

"Pawhuska, August 13th, 1921.

Mr. Gustafson and myself again taken up the work of this investigation this morning.

We called on Mr. Comstock and talked to him relative to the case but he had nothing more than yesterday.

We then went to the County Courthouse and talked with Mr. Templeton and Mr. Jefferies and went over the case with them.

Mr. Gustafson went home on the noon train; in the afternoon I learned that Eva Locland, a sister of Minnie Savages had been trying to get in touch with Mr. Comstock and seemed very anxious to talk to him. Could not lead her out as to this case and so waited until Mr. Comstock could talk to her.

I learned that Minnie and her sister Inez were using the two rooms in the basement of Minnie's house as a place to make dates and that they were having Roy Locland do the soliciting. I spent some time during the evening trying to locate this Inez so that I would know when I was working on the case as she has been quoted by Minnie as having said that Inez could tell about where Charlie was last seen or rather that he was seen to leave the house on the night that he disappeared in company with Dewey Savage. There is nothing to substantiate this statement and more than that, Minnie made a statement later that shows that this was absolutely not true.

Not finding this woman, Inez on the street anywhere, I got in a car with the Fire Chief and we drove out to the swimming pool and dance floor west of town and I saw a woman with Minnie that fills the description that was given me of Inez and I am sure that she is the one so we returned to town.

While we were away there had been a small fire and every one was excited and I could not get anything more tonight."

"Pawhuska, August 14, 1921.

Went to the office of Mr. Comstock and we talked some time and I told him about the woman trying to get to talk to him yesterday and he immediately called her up and she told him she would be right down.

She came down and talked to Mr. Comstock but was not inclined to tell her story to anyone else. Mr. Comstock gave me the following information that she has given him.

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Eva Lockland told Mr. Comstock that she wanted to turn the information but she wanted to protect her sister Minnie. She said that Earl Savage killed Charlie Whitehorn but that Minnie knew all about it, and that Minnie helped Earl to hide the crime. Eva said that Earl gave the gun to Minnie and that Minnie traded it to Roy Lockland for a 25 Colt's auto-pistol and that Roy taken the gun and traded it to a pawnbroker on North Kiheka for a 41 Colt's and that Roy gave \$8 difference. Eva says that was a small 32 cheap gun and that Roy knows all about the case and that he is helping Minnie all he can. Mr. Comstock said that this woman is rather holding back as she seems to want to tell because she wants the reward and also because she is inclined to be sore at Minnie and Lockland. Eva wants to get loose from Lockland and would like very much to connect him with the murder and I am inclined to believe that she is trying to mislead us as to Lockland, although Lockland is a thorough criminal and would do any thing that Minnie wanted him to if he was inclined to follow her lead.

I worked around town in the evening trying to locate the pawnshop and the Chief of police told me that he would go with me in the morning to see this party.

Comstock had arrangements made to meet Eva at his office tonight again and talk about the case. I suggested that Comstock get Eva to sign a contract to act as her attorney to get the reward for her and in this manner get her to open up more.

Discontinued 10 P. M."

"Pawhuska, August 15, 1921.

Following the information as furnished by Eva Locklin, I again went to see the pawnbroker on North Kiheka Ave and talked to him about the gun that Roy Locklin traded to him and he said that he was certain that it was not a small gun but a 32-20 on a 45 frame Colt's frontier revolver.

Today I learned that Minnie Savage had made the ~~xxxxx~~ remark that Earl had left the country and they could not find him and that she had told him to leave. I immediately got in touch with Sheriff Freese and talked him and decided that the best thing to do was to get Savage in jail. Sheriff then called his deputy Jim Wilson at Foraker, who has been keeping Savage located and told him to try and get in back in Oklahoma without having to get out papers for him and Wilson said that he knew where Savage was and would go get him.

Nothing further developed during the day.

Discontinued 10 P. M."

"Pawhuska, August 18th, 1921.

Today I spent about the office in the early forenoon and then went out

and had talk with Hattie Smitherman and she seems to be willing to talk to me. I questioned her about the trouble that she had with Roy her husband and what was the cause and it seems that there is nothing that would connect with this case; Smitherman seems to want to get into a house where they can be more alone and have a place more like home and then ~~the~~ Hattie seems to want to be on the contrary side of whatever Smitherman asks, which may be caused by the fact that Hattie is still suspicious of Smitherman. I told her to know which whom she was living as there is another family living in the two rooms at the back of the house.

Later in the day I had a ~~talk~~ ~~to~~ long talk with Smitherman; I find this man to be rather open in appearance, free to talk about the case and willing to tell anything that is asked of him. He explained his position in the matter of marrying Hattie as being a matter that was brought about by Minnie Savage and put over almost before he realized what was being done, but that after it was done he said that he thought that he would make the best of it and get along with Hattie if he could. He says that he did not know the woman before he married her but that he has found her alright and is trying to make her a home and take care of her properly and also to try and get her into a better class of people than what she has been running with. Smitherman seems to have been well raised and have an ambition to be someone and is a good worker being a contracting painter and has a lot of good work here. He talked of the two trips that he made up to see Savage with Hattie and said that on the first trip that they drove up there in a Ford coupe and that they left her at night and got there about 11 P. M. and he went in the house and laid down on a couch and slept until about four A. M. when Minnie woke him up and they drove back to town; the second trip that they made they drove up there in a Saxon car and took Minnie's little girl and her little brother with them and did not stay there but a short time. Smitherman says that he did not hear any of the talk between Minnie and Earl and that Minnie did not talk to him about what her purpose in coming up to see Earl was.

Smitherman asked that we give him a fair consideration in this matter as he realized that stepping in at the time that he did that he had brought suspicion upon himself but that he knew nothing that would be of benefit in this case and that should he hear of anything he would be only too glad to give the information to me.

Minnie Savage came up while I was talking to Smitherman and seemed very much surprised when she saw that Smitherman was there talking to me in a confidential manner and told me that she wanted to talk to me when I was not busy. After Smitherman left I talked to Minnie for some time and her reason for coming to see me was that she wanted to see Earl and they had told her at the jail that she could not talk to him at this time and she thought that if I went and talked to Earl that she could then talk to him. I told her that I did not know that I really cared to talk to Earl but that I might and left the impression that I knew what I was doing which seemed to agitate her and she became angry and said that

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she knew that Earl was a just a big simple country boy and that he was not guilty of anything like that he would not kill anybody and that she was going to see that he was not mistreated; I told her that I did not see that she had much to do with the manner in which Earl was cared for and that she would not be counceled with but that the Sheriff would use his best judgment and she intimated that the men at the jail had better not hurt Earl if they knew when they were well off, but did not say what she would do.

I told her that so far as mistreating Earl that I never did anything like that as I knew when people lied to me and just thought that Earl had better tell the truth as it was just making bad matters worse when she lied and if I talked to him it was only for the purpose of giving him a chance to get a little relief. In fact I told her that I did not care if Earl talked to me or not as I was perfectly satisfied with what I knew. This fact seemed to worry Minnie very much; and she then tried to get me to talk to her about the case and I just let her talk. She then spoke about Hattie telling everything that she knew about her and that she had better tell about herself talking to the two men on top of the hill on that night; she said that she heard Hattie talking to Woods and Hoyt as she came into the house.

I told her that Hattie was telling the truth I thought in everything that she had told and that was more than some of the folks had done.

She became angry and said that she knew I thought that she was telling a lie but she did not care; I told her that I knew she had lied about somethings but that she had told the truth sometimes and I could always tell when she was telling the truth.

After considerable talk she said that Earl was not guilty and could prove it. I asked her why she went to see Earl at Foraker and she looked rather excited and said that she just wanted to talk with him about his things and to see how he was as he was sick. She looked at me as though she wanted to ask what Smitherman had told but did not say anything about Smitherman. I believe that if Earl Savage can be kept away from her that he will break down.

I told Minnie to come and see me again as I might have something more to talk to her about and she said that she would but asked if I could talk to her about it now; I told her no that I did not think that she wanted to talk at all it now and she looked queer and left in a very good humor.

I talked to Lockin again and he says that gun that he got from Minnie was a 32-20 or a 38-40 and he cannot tell which. He does not seem to know anything new but is rather wanting to stick around me and talk about the case. I do not particularly encourage him but do let him know that I want to know what he knows and he will tell more later.

Today I decided that I could use a good undercover man by placing him in Minnie's house as she had told me that she still had two rooms to rent

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and called the manager and he said that he would send me a man tonight.
Discontinued 1 A. M."

"Pawhuska, August 19th, 1921.

Went to Mr. Comstock's office this morning after a talk with him relative to the sister Eva Locklin and made arrangements to see her this afternoon and then got in touch with the County Attorney's office.

I had learned that the Sheriff's office had told that they were going to take Savage out of jail and arraign him and I wanted the County Attorney to look after the setting of the hearing date.

I had been sick during the night and had to return to my room and was not able to do anything further until late in the evening when I learned from Mr. Templeton, the County Attorney that Savage had been taken from the County Jail and taken before Justice of Peace Hargis and the preliminary hearing set for August 23, 1921 which is next Tuesday. Mr. Templeton said that he would change that and that he would give us more time.

I met Charlie Woods this evening and had a short talk with him and he said that he would meet me at the City Hall tomorrow evening at 8 PM.
Discontinued 8 P. M."

"Pawhuska, August 20th, 1921.

Today I had another talk with Smitherman and he talked very freely but did not give me any information other than what he had told before when he came to see me.

I had a talk with County Attorney Templeton and we went over the case again and I told him of the trouble that we were having at the County Jail trying to get the co-operation of the Sheriff's office and he is going to take the matter up and get some relief if possible. We do not wish to create any ill will with the Sheriff's office in this matter and I am trying to get that part of the case taken care of by the County Attorney.

I met Charlie Woods and had a long talk with him. Woods says that he was a very near friend of Hoyt and that Hoyt was at present at La Junta, Colo. working for the telephone co.

Woods says that on the night that Charlie Whitehorn disappeared that he and Hoyt were together part of the evening and went to a show and that Hoyt then went to see another girl by the name of Florence who stays at the Jackson rooms. Woods says that he was staying at the house just north of where Minnie Savage lives at the time that Whitehorn disappeared.

Woods says that Hoyt was very intimate with Hattie and that she was very jealous of Hoyt and got mad every time that she heard that Hoyt was with another girl. Woods says that he knows that he and Hoyt talked

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